

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CARNEICE KATHRINE HALL-
JOHNSON,

Plaintiff,

v.

CITY AND COUNTY OF SAN
FRANCISCO, et al.,

Defendants.

Case No. [18-cv-01409-MMC](#)

**ORDER CERTIFYING APPEAL NOT
TAKEN IN GOOD FAITH; REVOKING
IN FORMA PAUPERIS STATUS;
DIRECTIONS TO CLERK**

Before the Court is a Referral Notice issued to this Court by the United States Court of Appeals for the Ninth Circuit, referring the above-titled matter for the limited purpose of determining whether plaintiff-appellant Carneice Kathrine Hall-Johnson's ("Hall-Johnson") in forma pauperis status should continue or be revoked. See 28 U.S.C. § 1915(a)(3) (providing "[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith"); Coppedge v. United States, 369 U.S. 438, 445 (1962) (holding "'good faith' . . . must be judged by an objective standard"; noting "good faith" is demonstrated when appellant seeks review of "any issue not frivolous"). Having reviewed the file and considered the matter, the Court rules as follows.

Plaintiff appeals the Court's order, filed September 18, 2018, by which the Court adopted Magistrate Judge Laurel Beeler's Report and Recommendation ("Report and Recommendation") in its entirety and, consequently, granted defendants' motion to dismiss and dismissed Hall-Johnson's Third Amended Complaint ("TAC") without further leave to amend and with prejudice.

1 As set forth in detail in the above-referenced Report and Recommendation, “all of
2 [Hall-Johnson’s] claims were time barred (to the extent they were cognizable claims to
3 begin with)[.]” (See Report and Recommendation at 14:1.)¹


4 Under such circumstances, any appeal of the above-referenced order would lack
5 an arguable basis in law or fact, and, consequently, would not seek review of a non-
6 frivolous issue. See Neitzke v. Williams, 490 U.S. 319, 325 (1989) (holding appeal is
7 “frivolous” where “none of the legal points are arguable on the merits” (alterations
8 omitted)).

9 Accordingly, Hall-Johnson’s in forma pauperis status is hereby REVOKED.

10 The Clerk shall serve a copy of this order on the United States Court of Appeals
11 for the Ninth Circuit.

12 **IT IS SO ORDERED.**

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14 Dated: October 12, 2018


MAXINE M. CHESNEY
United States District Judge

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27 ¹ The TAC comprised thirteen Claims for Relief, eleven of which were clearly time
28 barred and neither of the remaining two provided Hall-Johnson a cognizable cause of
action.